

REMARKS

I. Status of Application

Claims 1-8 are all the claims pending in the present Application. By this Amendment, Applicants amend claim 1 to include a feature previously recited in claim 3. Applicants also amend claim 3 to delete the feature now recited in amended claim 1. Since the subject matter of claim 3, now in claim 1, was previously before the Examiner, Applicant submits that no new issue is presented and the claims should be given due consideration.

II. Rejection of claims 1, 2, 5, 6, and 8 under 35 U.S.C. § 103

Claims 1, 2, 5, 6, and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2004/0107043 (hereinafter “de Silva”) in view of U.S. Patent No. 7,206,599 (hereinafter “Lemley”). Applicants respectfully submit the following in traversal.

Claim 1

In using de Silva as the primary reference to reject claim 1, the Examiner appears to be associating the enter key of de Silva with the “command input means” of claim 1, and the up/down keys of de Silva with the “shift direction input means” of claim 1. The Examiner further appears to be associating the scroll mode and zoom mode of de Silva with the “plurality of operation modes” recited in claim 1. The Examiner concedes, however, that de “Silva does not disclose assigning different functions to said command input means depending on the mode of said browser apparatus.” *See* Office Action pg. 3 (emphasis in original). To cure the deficiencies of de Silva, the Examiner cites Lemley.

Lemley discloses that during navigation mode, the ENTER key automatically functions to select a menu option or to enter input data rather than to “send” a telephone number dialed.

Further, the END key functions as a “back” key rather than as an “end” key to end a telephone call. However, the operation modes disclosed in Lemley are a navigation mode or alphanumeric (e.g. telephone call) mode. Lemley does not disclose that the control means has a plurality of operation modes, and assigns different functions to said shift direction input means and said command input means depending on the mode of said browser apparatus in each of the plurality of operation modes as functions of manipulating the page displayed on said display means. Specifically, the modes disclosed in Lemley (a navigation mode or alphanumeric mode) are not different modes of the browser apparatus as claimed.

Regarding the combination of de Silva and Lemley, it is well known that “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959), *cited in* M.P.E.P. § 2143.01 (VI). Applicants respectfully submit that, for at least the following reasons, the modification of de Silva using Lemley changes the principle of operation of de Silva, and as such the teachings of de Silva and Lemley are not sufficient to render claim 1 *prima facie* obvious.

An explicit object of the invention in de Silva is to “**simplify** an overall operation procedure of the navigation system.” *See* de Silva ¶¶ [0020]-[0021] (emphasis added). However, Lemley discloses that, “[a]s mobile designs advance, **more features are offered** to the user,” suggesting that the object of newer mobile devices is to provide increased functionality to consumers. *See* Lemley col. 1 lines 34-35 (emphasis added). Lemley further discloses that “[t]he present invention **increases the number of functions** that a given key on a mobile keypad performs.” *See* Lemley col. 2 lines 1-4 (emphasis added). Applicants respectfully submit that

increasing functionality changes the principle of operation of de Silva, which aims to simplify operation, because increased functionality would **complicate** the overall operation procedure of the navigation system in de Silva.

In providing a motivation to combine de Silva and Lemley, the Examiner asserts that “[o]ne would have been motivated to assign different functions to a command input means in order to increase operator efficiency.” *See* Office Action pg. 4. However, the invention of de Silva is intended to provide “a unique key arrangement **having a minimum number of keys.**” *See* de Silva ¶ [0001] (emphasis added). Applicants respectfully submit that, as a consequence of the minimal number of keys in de Silva, adding more functionality to the same limited number of keys would tend to decrease operator efficiency. The more functions that a single key provides, for example, the more functions have to be scrolled through, as in de Silva, to select the desired function. Because more functions for the same limited number of keys complicates a system, assigning additional functions to the same keys is likely to harm efficiency as it takes more time to perform desired operations.

As a result, Applicants respectfully submit that there is insufficient motivation to combine de Silva and Lemley.

Regarding the additional feature of amended claim 1, taken from former claim 3, the Examiner states that de Silva does not teach the claimed menu mode and cites Jeoung to cure the deficiency. However, Applicants respectfully submit that de Silva does not teach a surf mode either. As discussed above with respect to claim 1, de Silva discloses **a scroll mode and a zoom mode**. However, a scroll mode or a zoom mode does not teach a surf mode as would be apparent to one of skill in the art. Specifically, the scroll mode or zoom mode of de Silva does

not select part of the page by moving a mouse cursor displayed on said display means in response to the shift command from said shift direction input means as claimed.

On page 7 of the Office Action, the Examiner asserts that de Silva teaches the claimed surf mode. The aspects of de Silva cited by the Examiner disclose the operation of the scroll mode or the zoom mode. Therefore, de Silva does not teach the claimed surf mode.

In addition, the combination of Jeoung with de Silva is not obvious. Specifically, modes of de Silva merely change a direction or zoom-in and zoom-out of a vehicle route page. However, there is no teaching or suggestion of a menu mode and operation within a menu mode which would require the selection of menu items on a displayed menu. Specifically, this would require a substantial modification of the principle of operation of de Silva evidencing that the Examiner's reasoning is merely a result of impermissible hindsight.

For at least these additional reasons, Applicants respectfully submit that claim 1 should be deemed allowable.

Applicants respectfully submit that claims 2, 5, 6, and 8, which ultimately depend from independent claim 1, are patentable at least by virtue of their dependency from claim 1. Applicants also respectfully submit that claims 2, 5, 6, and 8 are patentable at least because of the additional features recited therein.

Claim 5

Claim 5 recites “wherein said command input means comprises an enter key for starting processing, and a back key for making transition of the operation mode.” The Examiner asserts that the “cancel” key of de Silva teaches the claimed back key and that the “enter” key of de Silva teaches the claimed enter key. However, contrary to the Examiner's assertions, de Silva

does not teach an “enter” key and “cancel” key as claimed. Specifically, the center key on three button device 120 acts as the “enter” key and “cancel” key. *See* de Silva page 6, para. [0070]. Applicants respectfully submit that de Silva does not teach two keys for performing the “enter” command and the “cancel” command.

Therefore, de Silva does not teach command input means comprising an enter key for starting processing, and a back key for making transition of the operation mode, as claimed.

Consequently, Applicants respectfully submit that claim 5 should be deemed allowable.

Claim 8

Regarding claim 8, Applicants respectfully submit that de Silva and Lemley do not disclose a “browser apparatus ... wherein said enter key and said back key **comprise separate keys** on said command input means.” Specifically, de Silva and Lemley may not be combined for at least the reasons submitted above for claim 1.

Further, as motivation for using Lemley to cure the deficiencies of de Silva, the Examiner asserts that “[o]ne would have been motivated to use a separate enter key and back key **to provide dedicated keys for separate functions.**” *See* Office Action pg. 5 (emphasis added). However, de Silva teaches away from using dedicated keys for separate functions because “an object of [de Silva is] to provide ... **a minimum number of keys** ..., thereby simplifying an overall operation procedure of the navigation system.” *See* de Silva ¶ [0021] (emphasis added). Further, de Silva explicitly states that it is preferable that the key arrangement is configured by three buttons mounted on a steering wheel, thereby promoting easy operation and safe driving. *See* de Silva ¶ [0024]. Therefore, it would not be obvious to modify de Silva so that the enter key and the back key **comprise separate keys** on said command input means.

For at least these reasons, Applicants respectfully submit that claim 8 should be deemed allowable.

III. Rejection of claims 3 and 4 under 35 U.S.C. § 103

Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over de Silva in view of Lemley and further in view of U.S. Patent No. 6,799,061 (hereinafter “Jeoung”).

Applicants respectfully submit the following in traversal.

Applicants respectfully submit that claims 3 and 4, which ultimately depend from independent claim 1, should be deemed allowable at least by virtue of their dependency from claim 1. Applicants also respectfully submit that claims 3 and 4 should be deemed allowable at least because of the additional features recited therein.

Claim 4

Regarding claim 4, the Examiner asserts that “it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a cross key in Silva.” *See* Office Action at pg. 6. The Examiner states that “[o]ne would have been motivated to include a cross key for design choice.” *See* Office Action pg. 6.

It is well known that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396, *quoting In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), *cited in* M.P.E.P. § 2143.01 (IV). In other words, Applicants respectfully submit that the Examiner’s proffered motivation for combining de Silva and Jeoung does not meet the minimum legal

standard for *prima facie* obviousness. Moreover, as discussed above, the additional functionality of a cross key would add a complexity which is contrary to the operation of de Silva.

For at least the above reasons, Applicants respectfully submit that claim 4 should be deemed allowable.

IV. Rejection of claim 7 under 35 U.S.C. § 103

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over de Silva in view of U.S. Patent No. 6,487,495 (hereinafter “Gale”).

Applicants respectfully submit that claim 7, which is dependent from independent claim 1, is patentable at least by virtue of its dependency from claim 1.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

This Application is being filed via the USPTO Electronic Filing System (EFS). Applicants herewith petition the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

/Ruthleen E. Uy/

Ruthleen E. Uy
Registration No. 51,361

Date: June 18, 2008